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THE GENEVA NEGOTIATIONS ON THE SITUATION RELATING TO AFGHANISTAN

Informal and Unofficial Background Note\*

In June 1982 the Foreign Minister of Pakistan, Sahabzada Yaqub-Khan, and the Foreign Minister of Afghanistan, Shah Mohammad Dost, entered into indirect negotiations through the intermediary of the Personal Representative of the Secretary-General of the United Nations, Diego Cordovez, at the Palais des Nations in Geneva.

The interlocutors had earlier, during a trip of Mr. Cordovez to Islamabad and Kabul, defined the substantive contents and scope of the issues to be considered and had agreed on the format in which the negotiations would be started. The four issues accepted for consideration were: the withdrawal of the foreign troops, non-interference in the internal affairs of States, international guarantees and the voluntary return of the refugees to their homes. It was also agreed that, inasmuch as these issues were interrelated, the discussions would be aimed at a comprehensive settlement.

The first round of negotiations was held at the Palais des Nations in Geneva from 16 to 24 June 1982. Following consultations held by Mr. Cordovez in Islamabad, Kabul and Teheran from 21 January to 7 February 1983, the negotiations continued from 11 to 22 April and from 12 to 24 June 1983. It may be noted that during these negotiations, the two delegations were never at the Palais des Nations at the same time. It was necessary to await the departure of one delegation before inviting the other delegation to meet with Mr. Cordovez.

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\* The relevant official reports of the Secretary-General of the United Nations to the General Assembly may be found in documents A/37/482-S/15429 (for 1982), A/38/449-S/16005 (for 1983), A/39/513-S/16754 (for 1984), A/40/705-S/17527 (for 1985), A/41/619-S/18347 (for 1986) and A/42/600-S/19160 (for 1987).

Up to that time, the negotiations concentrated on a single document that contained draft texts of all the provisions that the interlocutors had agreed were need to resolve the issues involved and to establish solid foundations for good-neighbourly relations between Afghanistan and Pakistan. It had been the understanding of the interlocutors that the form of the settlement was to be considered and decided upon at a more advanced stage of the negotiations. On that basis, substantial progress was made, to such an extent that most of the provisions that were considered necessary for the achievement of an effective settlement were agreed upon. The interlocutors encountered, however, serious obstacles in trying to reach agreement on some of the key provisions under consideration.

Mr. Cordovez again visited the area for high-level discussions from 3 to 15 April 1984. It was then agreed to change the format of the negotiations and, as a result, proximity talks through the intermediary of the Personal Representative were held at Geneva from 24 to 30 August 1984. The two delegations were now in separate rooms at the Palais des Nations, and Mr. Cordovez "shuttled" from one room to the other. As a means of breaking the deadlock that had arisen concerning the outstanding substantive provisions, the question of the form of the settlement was carefully considered and the interlocutors agreed that the provisions concerning non-interference and non-intervention would be included in a bilateral agreement. It was not possible to agree on the form of other aspects of the settlement.

During another visit of Mr. Cordovez to the area from 25 to 31 May 1985, an understanding was reached to the effect that the political settlement should consist of a set of instruments that would include a bilateral agreement on non-interference and non-intervention; a declaration or declarations on international guarantees; a bilateral agreement on the voluntary return of refugees; and an instrument that would set out the interrelationships between the aforementioned instruments and the withdrawal of foreign troops. It was thus possible to resume the negotiations at Geneva, where further rounds of proximity talks were held from 20 to 25 June, from 27 to 30 August and from 16 to 19 December 1985.

At the June 1985 round, it was possible virtually to complete the formulation of two draft bilateral agreements, one covering the principles of mutual relations, in particular non-interference and non-intervention, and the other, containing the arrangements for the voluntary return of the refugees. Most of the provisions incorporated in these two instruments had already been agreed upon in the "single" document that had been used as a basis for discussion at previous negotiations.

The draft agreement on the principles of mutual relations, in particular on non-interference and non-intervention, after affirming the principle that the relations between Afghanistan and Pakistan shall be conducted in strict compliance with the principle of non-interference and non-intervention by States in the affairs of other States, sets out comprehensive and detailed obligations giving practical meaning to that principle of international law.

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The draft agreement on the voluntary return of refugees sets out the measures to be taken in order to ensure favourable conditions for the voluntary return of Afghan refugees to their homeland and the undertakings of the contracting parties to provide all necessary assistance in the process of voluntary repatriation. The Agreement further contains provisions relating to the practical arrangements required for the repatriation, and it refers in that connection to the role of the United Nations High Commissioner for Refugees (UNHCR).

At the June 1985 round, it was also possible to conclude the formulation of a declaration on international guarantees, the text of which was then conveyed for comments to the Governments of the Soviet Union and of the United States of America, who had previously been designated as possible guarantors. At the August 1985 round, the interlocutors considered the comments received from the designated guarantors and requested the Personal Representative to transmit each of the comments to the other designated guarantor. The Personal Representative held further discussions on the text on international guarantees with the Governments of the Soviet Union and of the United States of America at Moscow and Washington.

The draft instrument on interrelationships, including the time-frame for the withdrawal of the foreign troops, was not considered during the June 1985 round, and when the interlocutors reconvened in August 1985, a problem arose as to the format of the negotiations for the consideration of that instrument. Neither in the August nor in the December 1985 round was it possible to resolve this matter.

Mr. Cordovez again visited the area from 7 to 17 March 1986, and during intense negotiations in Islamabad and Kabul, a set of understandings designed to resolve the impasse regarding the format of the talks was worked out. It was subsequently confirmed through diplomatic channels that these understandings had been accepted by the interlocutors, and it was agreed accordingly to resume the talks in Geneva on 5 May 1986. In preparation for this round, Mr. Cordovez met the Foreign Ministers of Afghanistan and of Pakistan in New Delhi on 18 April 1986. (They were attending a meeting of the Non-Aligned Movement.) Mr. Cordovez submitted to them the draft of the instrument on interrelationships that was to serve as a basis for the negotiations in Geneva.

Accordingly, the last of the four draft instruments -- that on interrelationships -- was discussed for the first time at a round of negotiations held in Geneva from 5 to 23 May 1986. Through intensive discussion agreement was reached on most of its provisions, including the text of the principles and objectives of the settlement, namely non-intervention and non-interference, the non-use of force and self-determination. The two main outstanding issues were arrangements to ensure effective implementation (monitoring) and the time-frame for withdrawal of foreign troops. These two issues were addressed but were not resolved when the talks resumed in Geneva from 31 July to 8 August 1986.

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During a visit of Mr. Cordovez to the area, from 19 November to 3 December 1986, it was possible to resolve one of the outstanding issues -- the arrangements for effective implementation -- agreement having been reached on an "implementation assistance scheme" under which all aspects of the settlement would be "monitored" by senior United Nations military personnel. The two interlocutors also agreed to examine a new the question of the time-frame with an "open mind".

In December 1986 Mr. Abdul Wakil became Minister of Foreign Affairs of Afghanistan.

During the round of proximity talks held at Geneva from 25 February to 9 March 1987, two proposals on the time-frame were tabled by each of the interlocutors. The gap between their positions (which originally was 43 months) was reduced to 11 months. The interlocutors then agreed to return to their respective capitals for consultation. At a subsequent round of talks in early September 1987, the gap was further reduced to eight months.

Mr. Cordovez again engaged in "shuttle diplomacy" negotiations between Islamabad and Kabul from 20 January to 9 February 1988. He had previously held discussions in Washington and Moscow, immediately after the Washington "summit". After intensive negotiations (he travelled eight times between the two capitals) he decided to convene a new round of talks in Geneva starting on 2 March 1988.

The last round of proximity talks ended on 8 April 1988 when Under-Secretary-General Cordovez announced that all the instruments comprising the settlement had been finalized and were open for signature. During the round, agreement was reached on the time-frame for the withdrawal of troops, which provides that one half of the troops will be withdrawn in three months and that the withdrawal will be completed in nine months. The instruments, which will enter into force on 15 May 1988, are as follows:

-- A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-interference and Non-intervention;

-- A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees;

-- A Declaration of International Guarantees;

-- An Agreement on the Interrelationships for the Settlement of the Situation relating to Afghanistan. A memorandum of understandings on the monitoring arrangements which will be provided by the United Nations has been incorporated into the Agreement on Interrelationships.

On 8 April 1988, Mr. Cordovez also read the following statement which had been approved during the negotiations:

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"Throughout the negotiations, it has been consistently recognized that the objective of a comprehensive settlement implies the broadest support and immediate participation of all segments of the Afghan people and that this can best be ensured by a broad-based Afghan Government. It was equally recognized that any questions relating to the Government in Afghanistan are matters within the exclusive jurisdiction of Afghanistan and can only be decided by the Afghan people themselves. The hope was, therefore, expressed that all elements of the Afghan nation, living inside and outside Afghanistan, would respond to this historic opportunity. At this crucial stage, all people will, therefore, promote the endeavours of the Afghan people to work out arrangements for a broad-based Government and will support and facilitate that process."

The Government of the Islamic Republic of Iran has been kept informed of the progress in the negotiations throughout the diplomatic process.